

REMARKS

Overview

These remarks are set forth in response to the Non-Final Office Action. Presently, claims 1, 2, 4, 6-14, 16, 18-22, 24 and 26-28 are pending in the Patent Application. Claims 1, 10 and 21 are independent in nature. Favorable reconsideration and allowance of the pending claims are respectfully requested.

Although Applicant disagrees with the broad grounds of rejection set forth in the Office Action, Applicant has amended claims 1, 4, 10, 11, 16, 21 and 24 in order to facilitate prosecution on the merits. Support for the above amendments can be found in the Specification at least at FIG. 1. As such, no new matter has been added.

35 U.S.C. § 103

Claims 1, 2, 4, 6-14, 16, 18-22, 24 and 26-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent Publication No. 2003/0228863 to Vander Veen et al. (hereinafter “Vander Veen”) in view of United States Patent No. 6,819,304 to Branson (hereinafter “Branson”). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the rejection.

According to MPEP § 2143, three basic criteria must be met to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

Applicant submits that the cited references, taken alone or in combination, fail to teach each and every element recited in claims 1, 2, 4, 6-14, 16, 18-22, 24 and 26-28, and thus they define over the cited references. For example, with respect to claim 1, the cited references fail to teach at least the following language:

“a fixed display screen having a single physical size that is configurable between a first viewable position having a first viewable size configuration and a second viewable position revealing a second, physically larger, viewable size configuration”

As correctly noted in the Office Action, the above-recited language is not disclosed by Vander Veen. Office Action at p. 4. According to the Office Action, the above-recited language is disclosed by Branson at column 2, lines 23-36, column 3, lines 42-55, and column 8, line 60, to column 9, line 20. This assertion is respectfully traversed.

Applicant respectfully submits that claim 1 defines over Branson because Branson fails to disclose, teach or suggest at least “a fixed display screen having a single physical size that is configurable between a first viewable position having a first viewable size configuration and a second viewable position revealing a second, physically larger, viewable size configuration.” According to the Office Action, Branson discloses this language at column 2, lines 23-36, column 3, lines 42-55, and column 8, line 60, to column 9, line 20. Applicant respectfully disagrees.

The cited portions of Branson, in relevant parts, disclose “a plurality of display segments defining an adjustable size of a display device for displaying data.” *See* Branson, column 2, lines 23-24. Further, the adjustable display device includes a plurality of vertical and/or horizontal display segments that can be folded and unfolded and/or attached and reattached to define an active display area. *See* Branson, column 3, lines 41-50. By way of contrast, amended claim 1 recites “a fixed display screen having a single physical size that is configurable between a first viewable position having a first viewable size configuration and a second viewable position revealing a second, physically larger, viewable size configuration.” This provides a significant technical advantage because the overall size of the device and the overall viewable size of the fixed

display screen can be changed without folding and unfolding and/or attach and detaching display segments. *See*, Specification at FIG. 1. Applicant submits that this is different than the above recited teaching of Branson.

Additionally, for example, with respect to claim 1, the cited references fail to teach at least the following language:

“the first viewable size configuration displays a first set of on-screen icons corresponding to basic common functions and the second viewable size configuration displays a second, larger, set of on-screen icons corresponding to extended common functions that includes said first set of on-screen icons.”

(Emphasis added). As correctly noted in the Office Action, the above-recited language is not disclosed by Vander Veen. Office Action at p. 4. According to the Office Action, the above-recited language is disclosed by Branson at column 2, lines 23-36, column 3, lines 42-55, and column 8, line 60, to column 9, line 20. This assertion is respectfully traversed.

Applicant respectfully submits that claim 1 defines over Branson because Branson fails to disclose, teach or suggest, at least, a “first viewable size configuration displays a first set of on-screen icons corresponding to basic common functions and the second viewable size configuration displays a second, larger, set of on-screen icons corresponding to extended common functions that includes said first set of on-screen icons.” (Emphasis added). As provided for in the Specification, having a “first viewable size configuration ... corresponding to basic common functions and the second viewable size configuration ... corresponding to extended common functions,” provides a significant technical advantage because when a device as illustrated in Figure 1 is, “expanded, nine common voicemail functions are displayed 101 However, when closed, only the most commonly used three buttons are shown, e.g., “save”, “erase”, and “skip” ... This feature allows for significant use of the voicemail functions even with a screen of limited size as shown in configuration 11B.” Specification at p. 11, ll. 5-12 & Fig. 1. (Emphasis added). As stated in the Office Action, “using the adjustable display screen with the data adjustments of Branson on the interface of Vander Veen [such as

Vander Veen, figure 15] would allow for a full set of icons corresponding to extended common functions to be displayed when all of the portions of the display screen are unfolded or attached, and displaying only some of the icons corresponding to basic common functions when portions of the display screen containing the icons are folded or removed.” Office Action p. 5. However, a closer review of Branson reveals that Branson teaches that folding/detaching display segments will reduce the amount of data displayed in the display area D, and that this may call for a scroll bar or other positioning tool to allow a user to view any non-displayed data. Branson at col. 9, ll. 7-38. Thus, the content of the displayed data remains unchanged and the user may have the option to scroll to view all of the data. Branson also teaches adjusting the size and/or resolution of the data/image in response to a change in the size of the display. Branson at col. 8, ll. 60-63. Thus, the content of the displayed data remains unchanged, and the size of the data is either shrunk or enlarged to fill the screen as illustrated in Figs. 4A – 4C of Branson. Finally, Branson discloses that if segments 101, 105 are removed as shown in Fig. 4B, the display device 100 simply may not display the entire image 113 leaving out a portion of whatever image is being displayed. Thus, whatever data that is chosen to be displayed, on however many screens, is not changed. Rather, what is being changed is the way the chosen data is being displayed by for example, shrinking, enlarging, keeping the data size constant (and forcing the user to scroll to view the entire data), or simply not displaying parts of the chosen data. Thus, the chosen data content to be displayed remains constant in the sense that the data content chosen does not change based on the size of the display. Thus, Branson does not teach or suggest, at least, a “first viewable size configuration ... corresponding to basic common functions and the second viewable size configuration ... corresponding to extended common functions,” as recited in claim 1. (Emphasis added). Consequently, the Branson fails to teach or suggest at least this element of the claimed subject matter.

Applicant submits that the cited portions of Branson fail to disclose, at least, “a fixed display screen having a single physical size that is configurable between a first viewable position having a first viewable size configuration and a second viewable position revealing a second, physically larger, viewable size configuration,” and that a

“first viewable size configuration displays a first set of on-screen icons corresponding to basic common functions and the second viewable size configuration displays a second, larger, set of on-screen icons corresponding to extended common functions that includes said first set of on-screen icons.” Therefore, Branson fails to disclose, teach or suggest the missing language. Consequently, the cited references, whether taken alone or in combination, fail to disclose, teach or suggest every element recited in claim 1.

Absence from the cited references of the above-mentioned claim elements negates obviousness. Accordingly, Applicant respectfully requests removal of the obviousness rejection with respect to claim 1. Furthermore, Applicant respectfully requests withdrawal of the obviousness rejection with respect to claims 2, 4, and 6-9, which depend from claim 1, and therefore contain additional features that further distinguish these claims from the cited references.

Independent claims 10 and 21 recite elements similar to those recited in claim 1. Therefore, Applicant respectfully submits that claims 10 and 21 are not obvious and are patentable over the cited references for reasons analogous to those presented with respect to claim 1. Accordingly, Applicant respectfully requests removal of the obviousness rejection with respect to claims 10 and 21. Furthermore, Applicant respectfully requests withdrawal of the obviousness rejection with respect to claims 11-14, 16, 18-20, 22, 24, and 26-28 that depend from claims 10 and 21, and therefore contain additional features that further distinguish these claims from the cited references.

Conclusion

It is believed that claims 1, 2, 4, 6-14, 16, 18-22, 24, and 26-28 are in condition for allowance. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the limitations of the independent claims and dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the claims from the cited references, taken alone or in combination, based on additional features contained in the independent or dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

The Examiner is invited to contact the undersigned to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to the credit card in the previously filed credit card authorization form.

Respectfully submitted,

KACVINSKY LLC

/John F. Kacvinsky/

John F. Kacvinsky, Reg. No. 40,040
Under 37 CFR 1.34(a)

Dated: April 29, 2010

KACVINSKY LLC
4500 Brooktree Road
Suite 102
Wexford, PA 15090
(724) 933-5529